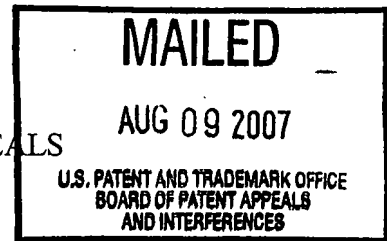


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte: JEFFREY D. WASHINGTON, MIKE SANTORI and BOB YOUNG

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Application No. 09/886,239

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on June 5, 2007. A review of the application has revealed that the application is not ready for review and consideration. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

**EXAMINER'S ANSWER**

**Appeals Conference**

On February 22, 2007 an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that it is not in compliance with the appeals conference requirement as set forth in the Manual of Patent Examining Procedure (MPEP)' 1208 (8th ed., rev. 1, Feb. 2003).

Application No. 09/886,239

The signatures is missing from the electronic file copy.

According to MPEP 1208:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

On the examiner's answer, below the primary examiner's signature, the word Conferees: should be included, followed by the type or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

The Examiner's Answer was not signed or initialed by any of the appeals conference participants. Appropriate correction is required as required under MPEP 1208.

### **CONCLUSION**

Accordingly, it is

**ORDERED** that the application is returned to the examiner for:

- 1) to obtain the conferee's initial or signature on the Examiner's Answer; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

Application No. 09/886,239

PJN/jgr

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